

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop Appeal Brief- Patents  
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Harold C. Moore  
Name of person mailing Document or Fee

Signature  
January 7, 2008  
Date of Signature

Re: Application of: Saieb Alrawi et al.  
Serial No.: 09/748,720  
Filed: December 26, 2000  
For: Excessive Surge Protection Method and Apparatus  
Group Art Unit: 2836  
Examiner: Danny Nguyen  
Our Docket No.: 1505-0094

## TRANSMITTAL OF RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Please find for filing in connection with the above patent application the following:

1. Response to Notice of Non-Compliant Appeal Brief;
2. Notice of Non-Compliant Appeal Brief (copy); and
3. One (1) Return Post Card.

Since the due date to file the Response to Notice to Non-Compliant Appeal Brief fell on Saturday, January 5, 2008, the response is being timely filed on Monday, January 07, 2008.

Please note that the "Notice of Non-Compliant Appeal Brief" does not require an entire replacement brief, but rather only the section found to be defective.

\* The fee has been calculated as shown below.

CLAIMS AS AMENDED				
	Claims Remaining After Amendment	Highest No. Paid For	Fee Calculation	Addit Fee
Total Claims	23	23	0 X 50	\$ 0.00
Independent Claims	6	6	0 X 210	\$ 0.00
Total Additional Fee Required				\$ 0.00

Please charge any fee deficiency, or credit any overpayment, to Deposit Account No. 13-0014; but not to include any payment of issue fees.

Respectfully Submitted,

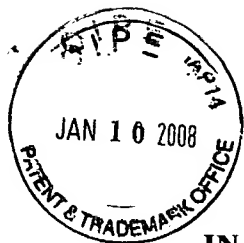
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January 7, 2008

Enclosures



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

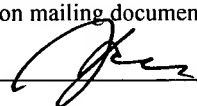
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Harold C. Moore

Name of person mailing document or fee

  
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	Group Art Unit:	2836
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**RESPONSE TO NOTICE OF NON-COMPLIANT**

**APPEAL BRIEF**

Sir:

In response to the Notice of Non-Compliant Appeal Brief dated December 5, 2007 for the above-identified patent application, please find below the replacement of the section found to be defective, the "Summary of the Claimed Subject Matter". According to the Notice of Non-Compliant Appeal Brief, only this section needed to be submitted.

## **(5) SUMMARY OF THE CLAIMED SUBJECT MATTER**

Although claim 1 is not under appeal, it is an "independent claim involved in the appeal" because several appealed claims depend from claim 1. As a result, claim 1 is summarized here below.

Claim 1 is directed to a surge protection apparatus connected between an AC electrical utility power line and a load. While the invention is set forth generally in the claim 1, exemplary embodiments are discussed in the application in connection with Fig. 3. The example of Fig. 3 is not intended to limit interpretation of the scope of the claim, but it merely provided to satisfy the requirements of 41.37(c)(v).

The surge protection apparatus of claim 1 includes a voltage input directly coupled to the AC electrical utility power line, the AC electrical utility power line having a nominal AC voltage of at least about 120 volts. With reference to Fig. 3 of the application the surge protection apparatus 11 includes a voltage input 7 connected to the voltage source 2, which is a utility power line. (Specification at p.7, lines 9-22).

The claimed apparatus also includes an inductor coupled between the voltage input and the load. With reference to Fig. 3 of the application, an inductor 8 is series connected between the voltage input 7 and the load 6, via a resistor 14, and a PPTC 3. The resistor and PPTC are not claimed in claim 1. (*Id.*)

The claimed apparatus also includes a protective barrier interposed between the inductor and the load, the protective barrier configured to physically isolate the inductor from the load. With reference to Fig. 3, the surge protection device 11 includes a protective barrier 10 that separates or isolates the inductor 8 (and other things) from the load 6. The protective barrier 10 may take infinitely various forms, but basically includes a wall, sleeve or compartment constructed of inflammable material, such as, for example, certain plastics. (Application at p.9, lines 11-15)

Claim 2 is directed to a surge protection apparatus connected between an AC electrical utility power line and a load. The apparatus includes a voltage input directly coupled to the AC electrical utility power line, the AC electrical utility power line having a nominal AC

voltage of at least about 120 volts. With reference to the non-limiting example of Fig. 3 of the application, the surge protection apparatus 11 includes a voltage input 7 connected directly to the voltage source 2, which is a utility power line. (Specification at p.7, lines 9-22).

The apparatus of claim 2 also includes an polymeric positive temperature coefficient device (PPTC) coupled between the voltage input and the load. With reference to Fig. 3 of the application, a PPTC 3 is series connected between the voltage input 7 and the load 6, via a resistor 14, and an inductor 8. The resistor and inductor are not claimed in claim 2. (*Id.*)

The invention of claim 2 includes a protective barrier interposed between the PPTC and the load, the protective barrier configured to physically isolate the PPTC from the load. With reference to Fig. 3, the surge protection device 11 includes a protective barrier 10 that separates or isolates the PPTC 3 (and other things) from the load 6. The protective barrier 10 may take infinitely various forms, but basically includes a wall, sleeve or compartment constructed of inflammable material, such as, for example, certain plastics. (Application at p.9, lines 11-15).

Claim 4 is directed to a surge protection apparatus connected between an electrical power line and a load. The apparatus includes a voltage input coupled to the electrical power line. With reference to Fig. 3 of the application the surge protection apparatus 11 includes a voltage input 7 connected to the voltage source 2, which is a utility power line. (Specification at p.7, lines 9-22).

The apparatus of claim 4 also includes an inductor, a separate resistor, and a polymeric positive coefficient temperature device (PPTC) coupled in series between the voltage input and the load. With reference to Fig. 3 of the application, an inductor 8, a resistor 14 and a PPTC are connected in series connected between the voltage input 7 and the load 6. (*Id.*)

Claim 32 is directed to a surge protection apparatus connected between an electrical power line source and a load. The apparatus includes a voltage input coupled to the electrical power line. With reference to the non-limiting example of Fig. 3 of the application, the surge protection apparatus 11 includes a voltage input 7 connected directly to a voltage source 2,

which is a utility power line. (Specification at p.7, lines 9-22).

The claimed apparatus also includes an inductor coupled between the voltage input and the load. With reference to Fig. 3 of the application, an inductor 8 is series connected between the voltage input 7 and the load 6, via a resistor 14, and a PPTC 3. The resistor and PPTC are not claimed in claim 32. (*Id.*)

The claimed apparatus also includes a protective barrier interposed between the inductor and the load, the protective barrier configured to physically isolate the inductor from the load. With reference to Fig. 3, the surge protection device 11 includes a protective barrier 10 that separates or isolates the inductor 8 (and other things) from the load 6. As claimed, the protective barrier includes a protective sleeve that receives the inductor. With reference to the embodiment of Fig. 3, the protective barrier 10 may be a sleeve constructed of shrink tube or shrink packaging that surrounds, among other things, the inductor. (Application at p.10, lines 1-4)

Claim 34 is directed to a surge protection apparatus connected between an electrical power line source and a load. The apparatus includes a voltage input coupled to the electrical power line. With reference to Fig. 3 of the application the surge protection apparatus 11 includes a voltage input 7 connected to the voltage source 2, which is a utility power line. (Specification at p.7, lines 9-22).

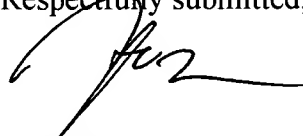
The apparatus of claim 34 further includes an inductor and a polymeric positive coefficient temperature device (PPTC) coupled in series between the voltage input and the load, the inductor interposed between the PPTC and the voltage input. With reference to Fig. 3 of the application, an inductor 8, a resistor 14 and a PPTC 3 are connected in series connected between the voltage input 7 and the load 6. (*Id.*) The inductor 8 is interposed between the PPTC 3 and the voltage input. (See Fig. 3).

Claim 37 is directed to a surge protection apparatus connected between an electrical power line and a load. The apparatus includes a voltage input coupled to the electrical power line. With reference to Fig. 3 of the application the surge protection apparatus 11 includes a

voltage input 7 connected to the voltage source 2, which is a utility power line. (Specification at p.7, lines 9-22).

The apparatus of claim 37 includes an inductor, a resistor having a resistance of at least about 10 ohms, and a polymeric positive coefficient temperature device (PPTC) coupled in series between the voltage input and the load. With reference to Fig. 3 of the application, an inductor 8, a resistor 14 and a PPTC are connected in series connected between the voltage input 7 and the load 6. (*Id.*) The resistor 14 has at least 10 ohms. (Specification at p.8, lines 15-21).

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,720	12/26/2000	Byron J. Slater	00P9121US	4203

28524 7590 12/05/2007

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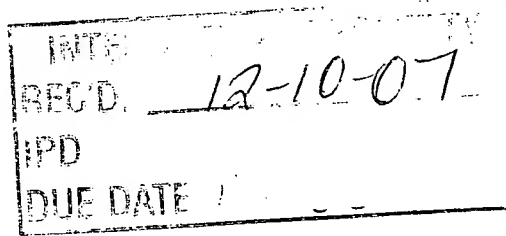


EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 12/05/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



Hal Moore

RECEIVED  
12/13/07 CMA



**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/748,720

Applicant(s)

SLATER ET AL.

Examiner

DANNY NGUYEN

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 16 November 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

4. Summary of claimed subject matter must identify and map all independent claims on appeal (32) to specification by page and line number or paragraph number and to the drawings, if any.

Note-- The entire brief is not required only the section found defective.

  
TRACEY YOUNG  
PATENT APPEAL CENTER SPECIALIST